

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Luke Traylor,)	C.A. No.: 0:09-cv-00048-RBH
Petitioner,)	
)	
vs.)	ORDER
)	
Michael McCall, Perry Correctional)	
Institution,)	
Respondent.)	

Petitioner, a state prisoner proceeding *pro se*, filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 23, 2010, this Court entered an order reflected on the docket as Entry Number 47, granting the respondent's motion for summary judgment and denying the petitioner's motion to appoint counsel, after no objections were filed by the petitioner to the Magistrate's Report and Recommendation. After the entry of the order dismissing the case, the Court was advised by the Clerk of Court that this Court's order granting in part the petitioner's second motion for extension of time to file objections until March 22, 2010 had not been mailed to the petitioner. Because the order extending time was not mailed, through error by the Clerk's Office, this Court is now unclear as to what additional time, if any, the petitioner needs to file objections. The Court notes that, even though Petitioner has not received the order extending time, he still has apparently made no attempt to file any objections. The Court cannot tell if he even has any objections to the Report.

However, under the circumstances, the Court will consider a timely filed motion to reconsider which includes his objections to the Report, if any. The Clerk is directed to mail this

Order, as well as Docket Entry #46 granting in part the motion for extension of time and Docket Entry Number 47, Order granting Motion for Summary Judgment and denying Motion to Appoint Counsel to the petitioner.

IT IS SO ORDERED.

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
March 24, 2010